

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7050 of 2005

Between:

M/s Charminar Non-Wovens Limited, rep. by its Managing Director Mr. P.V. Rao, 6-2-9, Flat No. G-4, Aneshka Towers, Lakdi-ka-pool, Hyderabad.

... PETITIONER

AND

Assistant Provident Fund Commissioner, Sub Accounts Office, 12-1, Susheeram Complex, Patancheru, Medak District.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records and issue a writ or order or direction more particularly one in the nature of Writ of Mandamus and set aside the impugned order of the respondent No. AP/23892/SAO/PTC/ENF(PD)/2005/2101 dt. 9-3-2005 being illegal, arbitrary and violative of Article 14 of the Constitution of India apart from being violation of the principles of natural justice.

Counsel for the Petitioner: MR.VENKATA RANGADAS KANURI

Counsel for the Respondent: MR.R.N.REDDY (SC FOR EMPLOY'S PF ORG.)

The Court at the stage of admission made the following:

-

-

-

-

ORDER:

This writ petition is filed aggrieved by the order dated 09-03-2005 passed by the respondent under Section 14-B of the Employees Provident Funds and Miscellaneous Provisions Act, 1952, levying a sum of Rs.5,52,669/- (Rupees five lakhs fifty two thousand six hundred and sixty nine only) as penal interest and damages for the period from March, 2000 to November, 2003 for default in remittance of provident fund contributions and other dues.

At the out set, the learned standing counsel raised an objection stating that against the impugned order, an alternative remedy of appeal is available under Section 7-I of the Act and therefore without exhausting the same, the writ petition under Article 226 of the Constitution of India cannot be maintained.

In the circumstances, the writ petition is disposed of granting leave and liberty to the petitioner to workout the alternative remedy of appeal as available under Section 7-I of the Act. If any such appeal is preferred within a period of four weeks from today, the same shall be entertained and appropriate orders be passed, in accordance with law. Pending such appeal, there shall be stay of all further proceedings in furtherance of the impugned order dated 09-03-2005 subject to the condition that the petitioner deposits 50% of the amount demanded under the proceedings dated 09-03-2005 within a period of six weeks from today.

The Writ Petition is accordingly disposed of. No order as to costs.

G. ROHINI, J

Dated: 04-04-2005

LSK

ASSISTANT REGISTRAR

To

1. Assistant Provident Fund Commissioner, Sub Accounts Office, 12-1, Susheeram Complex, Patancheru, Medak District.
2. Two C.D. copies.